

May 27, 2015

Regional Freedom of Information Officer
U.S. EPA, Region 6
1445 Ross Avenue (6MD-OE)
Dallas, TX 75202-2733
Via electronic mail through <https://foiaonline.regulations.gov>

Re: Freedom of Information Act Request

To the Freedom of Information Officer for Region 6:

On behalf of the Natural Resources Defense Council (“NRDC”), we write to request the disclosure of records pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552.

Facilities:

We hereby request copies of any and all documents and records related to the air permit or air permit renewals for the following facilities since 2009:

- Valero Houston refinery (Texas LP Houston Refinery, 9701 Manchester, Houston, TX 77012);
- The Solvay (former Rhodia) Plant (Solvay Houston Plant, 8615 Manchester Street, Houston, TX 77012); and
- The Houston Texas Petro Chemicals facility (Texas Petro Chemicals, TPC Group LLC, 8600 Park Pl Blvd, Houston, TX 77017).

Any and All Documents and Records:

For the purposes of this request, the term “records” is used to mean anything denoted by the use of that word or its singular form. In particular, the term includes, but is not limited to, information of any kind and stored in any manner. This includes writings (handwritten, typed, electronic, or otherwise produced, reproduced, or stored), letters, memoranda, correspondence, notes, applications, completed forms, studies, reports, reviews, guidance documents, policies, telephone conversations, telefaxes, e-mails, documents, databases, drawings, graphs, charts, photographs, presentations, minutes of meetings, electronic and magnetic records of meetings, and any other compilation of data from which information can be obtained. Without limitation, the records requested

include records at any stage of development, whether proposed, draft, pending, interim, final, or otherwise.

Records and documents include, but are not limited to the facilities themselves, operation of the facilities, design of the facilities, analyses of the facilities' impacts, any construction activities related to the facilities, business operations related to the facilities, and business opportunities related to the facilities. Records also includes any environmental analysis performed related to any air permit ever in effect or proposed for these facilities, any data in relation to any analysis, including but not limited to data relating to the purpose and need of any air permit, the impact of any permit on air quality, all correspondence or comments relating to any air permit or any of the facilities, all related consulting contracts, scope of work documents, investigations, notes or other documents relating to the facilities.

Furthermore, records and documents include, but are not limited to, records related to air permits, Air Emissions Inventory Questionnaires, air emissions, Air Permit Applications, Air Permit Holders, Air Permit Renewals, Compliance History Reports, Complaint and Investigation Reports, Notices of Violations, Occupational Licenses, Spill Response Reports, and the Title V Federal Operating Permits Program.

Our request includes any documents that may meet an exception from disclosure under FOIA. In the event that any document or record may require a ruling on disclosure, please release the public documents first and the other documents as they become available following each ruling.

Delivery:

To minimize costs, we prefer documents in electronic format, if possible, either sent to our email addresses (RSivasubramanian@nrdc.org and SEldred@nrdc.org) or posted on a website designed to hold temporarily documents for download, such as an ftp site. If an electronic format is not available, then please produce the records by sending them to the following address:

Ramya Sivasubramanian and Spencer Eldred
NRDC
1314 Second Street
Santa Monica, CA 90401
Phone: (310) 434-2300

If electronic or mail delivery is not possible, please discuss with us a central location, where we may inspect and order duplicates of documents and records.

Fees and Costs:

We respectfully request that any fee or costs for the processing, production, or replication of the requested documents be waived.

NRDC is a non-profit organization and a public interest organization. The waiver of fees for NRDC is in the public interest because furnishing the requested documents primarily benefits the general public. NRDC represents 17,773 members throughout the State of Texas. NRDC has the expertise, ability, and commitment effectively to convey the requested information to the public at large, including our members in Texas. NRDC has a robust communications and multi-media department enabling it rapidly to disseminate information to the public via press releases, special reports, newsletters, periodicals, blogs, its website, and through radio and television programming. Please see the attachment for examples of NRDC's work.

Moreover, NRDC works closely with numerous non-profit organizations, community groups, government agencies, and other entities and individuals in Texas as well as nationally, and NRDC will convey pertinent information obtained through this request with those groups. A fee waiver will enable Texas residents concerned about, and directly impacted by, the operations of these facilities to become aware of and understand such operations. Thus, the waiver of fees in this case is in the public interest.

NRDC also acts in the public interest by efficiently organizing and analyzing information and disseminating such analysis through NRDC's many media channels. These channels include, but are not limited to, the following:

1. OnEarth.org is the magazine of the Natural Resources Defense Council, providing in-depth reporting and thought leadership on environmental problems and solutions. The site receives about 136,000 visits and more than 185,000 views per month;
2. Nature's Voice newsletter on current environmental issues, which is distributed five times a year to NRDC's more than 300,000 members and online activists, and is available online at <http://www.nrdc.org/naturesvoice/>;
3. NRDC has a staff blogging site, "Switchboard," at <http://switchboard.nrdc.org>, which is updated daily and features more than 130 bloggers writing about current

environmental issues. The blogs draw approximately 140,000 page views and 107,000 visits per month;

4. NRDC's website, available at <http://www.nrdc.org>, also distributes information about environmental issues. It is updated daily and draws approximately 1,400,000 page views and 806,000 visits per month;

5. Activist Network and BioGems email lists include more than 1.7 million members who receive biweekly information on urgent environmental issues. This information is also made available through NRDC's online Action Center at <http://www.nrdc.org/action/default.asp>; and

6. NRDC maintains several social media websites that actively promote awareness of current environmental issues, for example, NRDC's profiles on "Facebook," at <http://www.facebook.com/nrdc.org>, and "Twitter," at <http://www.twitter.com/nrdc>, are updated daily and have approximately 301,000 fans and 158,000 followers, respectively.

NRDC is a nonprofit, public interest organization of limited resources. NRDC utilizes advocacy, science, litigation, and education to protect people and the planet. NRDC is dependent upon modest membership fees and donations for the majority of its income. It would impose a heavy economic burden upon NRDC to have to pay for the duplication and mailing of the requested documents.

If for any reason the fees are not waived, please notify us immediately with the reasons for the denial and the costs that would be involved prior to any incurring of any costs related to this request. Nothing in this request is to constitute any waiver of our right to seek administrative or judicial review of any denial of this fee waiver request and/or rejection of our fee category assertion.

Production:

Please produce records on a rolling basis; at no point should the search for or deliberations concerning responsive records delay the production of other records that have already retrieved.

At this time, we do not need the documents certified.

If any portion of our request is denied, please inform us of the reasons for the denial in writing and provide the name and address of the person or body to whom an appeal should be directed.

Please contact us if you have any questions regarding this request. Thank you in advance for your assistance.

Sincerely,

Ramya Sivasubramanian
Staff Attorney

Spencer Eldred
Legal Fellow